

DEPARTMENT OF GENERAL SERVICES

POLICY TITLE: Background Investigations

POLICY NUMBER: HR-8

Revision Number: 5

APPROVED BY: _____,

EFFECTIVE DATE: 4/1/11

PAGE 1 OF 7

DGS Director

I. PURPOSE

To establish agency policy requiring the review of background information to determine the suitability of individuals for employment or continued employment. Such reviews will include criminal history and, where appropriate, vehicle driving records.

II. REFERENCES

- DHRM Policy 2.10, Hiring, 2/5/10
- DHRM Policy 1.60, Standards of Conduct, 4/16/08

III. DEFINITIONS

Criminal History Check	A review of criminal conviction records/data bases accessible by the Virginia State Police using form SP-167 (Attachment A).
Fingerprint-Based Criminal History Check	A criminal history, using fingerprinting, obtained from the Federal Bureau of Investigation through the Department of State Police. Used for sensitive positions (see below).
DGS Management Team	DGS Director, Deputy Director, Assistant Director, Division Directors, and Staff Directors.
Division Director	The Director of any of the following DGS divisions: Consolidated Laboratory Services, Engineering and Buildings, Purchases and Supply, or Real Estate Services.
Driving Record Check	A review of driving record convictions maintained by the Virginia Department of Motor Vehicles (DMV) when driving is an integral part of the position's duties for which the individual is being considered.
Non-employee	Contractor, volunteer, fellow, intern, and personnel requested from a temporary employment services contractor.
Sensitive Position	A position designated by the Division Director as directly responsible for the health, safety and welfare of the general populace or protection of critical infrastructures, for which a criminal history, including fingerprinting, must be obtained for the final candidate. (Refer to DHRM Policy 2.10, Hiring)

DEPARTMENT OF GENERAL SERVICES

POLICY TITLE: Background Investigations

POLICY NUMBER: HR-8

Revision Number: 5

APPROVED BY: _____,

EFFECTIVE DATE: 4/1/11

PAGE 2 OF 7

DGS Director

Staff Director The Director of any of the following staff units: Communications, Fiscal Services, Fleet Management, Graphic Communications, Human Resources, Information Systems Services, Management Audit and Review Services, or Central Procurement Services.

IV. POLICY

It is DGS policy to acquire and review background information as a condition of employment on all individuals, including current employees, recommended for hire to classified, hourly (wage) and temporary positions in order to determine their suitability for employment at DGS.

Background information shall include Virginia State Police criminal history for all employees plus finger-print based background checks for sensitive positions and/or DMV driving records for individuals required to operate a vehicle as a requirement of their job responsibilities. Although a disqualification is possible, a previous conviction does not automatically disqualify an applicant from employment with DGS.

In addition, it may be necessary to determine the suitability of continued employment of any person presently working for DGS by conducting applicable background checks.

Division/Staff Directors are responsible for ensuring that background checks are conducted for non-employees.

V. RESPONSIBLE STAFF DIRECTOR

Human Resources Director, (804) 786-3221

VI. CONTACT FOR INTERPRETATION

Employees desiring clarifications, explanations or other interpretations should contact their supervisors or respective division/staff management.

Members of the DGS Management Team needing interpretations should contact the Human Resources Director, (804) 786-3221.

VII. POLICIES SUPERSEDED

DGS Policy No. HR-8, Revision 4, "Background Investigations", 07/01/06.

DEPARTMENT OF GENERAL SERVICES

POLICY TITLE: Background Investigations

POLICY NUMBER: HR-8

Revision Number: 5

APPROVED BY: _____,

EFFECTIVE DATE: 4/1/11

PAGE 3 OF 7

DGS Director

VIII. EXCEPTIONS

Requests for exceptions to this policy and procedure will be submitted in writing by the appropriate Division or Staff Director to the DGS Human Resources Director for review and subsequent routing with recommendations to the DGS Director, who is authorized to grant exceptions. Requests for exceptions may be submitted by fax, e-mail, or conventional paper (hard copy) correspondence.

IX. PROCEDURE

A. RECRUITMENT & SELECTION PROCESS

1. Division or staff offices are responsible for identifying positions that are sensitive on the P-5 Request Related to Positions form. Positions required to operate a vehicle as a requirement of their job responsibilities must have this requirement documented in the Employee Work Profile (EWP).
2. At the time of recruitment, divisions or staff offices are responsible for advising Human Resources if the position requires a finger-print based background check and/or DMV records check by indicating this on the Job Posting Request form. Candidates for positions requiring DMV checks will be asked to sign a release in order for DGS to obtain a copy of their DMV records as part of their application.
3. All job postings and newspaper advertisements shall include a statement indicating that employment (or continued employment) is contingent upon the selected candidate passing appropriate background investigations.
4. All applicants (including current employees) selected to be interviewed for wage and classified positions are required to complete Section 1 and 1A of form SP-167. Applicants are to complete the form upon arrival for the interview. Division or staff offices are responsible for having the signature notarized in section 1A. Any applicant who declines to complete form SP-167 will be denied the interview and will receive no further consideration for the position.
5. If an applicant discloses that a conviction record exists, hiring managers should document the statements and inform their HR representative.

DEPARTMENT OF GENERAL SERVICES

POLICY TITLE: Background Investigations

POLICY NUMBER: HR-8

Revision Number: 5

APPROVED BY: _____,

EFFECTIVE DATE: 4/1/11

PAGE 4 OF 7

DGS Director

6. All completed and notarized SP-167 forms will be submitted to HR with the selection package. Upon satisfactory review of the selection documentation, HR will initiate the background check on the selected candidate.
7. Unless an applicant has disclosed a conviction record that would disqualify them for employment, or unless otherwise directed by the hiring authority, employment offers will be made to selected applicants by HR prior to the receipt of background checks result. However, prospective employees will be advised by Human Resources in the offer letter that their continued employment will be conditional based on the outcome of the checks. Employees may be removed if the results of the checks warrant such action.
8. Fingerprint background checks for sensitive positions will normally be conducted during orientation. Supervisors should restrict employees from performing the sensitive portions of the job and/or provide additional supervision until the results of the fingerprint background checks are received (usually within 4-6 weeks).

B. OBTAINING INFORMATION ON NON-EMPLOYEES

1. All temporary personnel require a Virginia State Police background check. Temporary employees assigned to sensitive positions must also have fingerprint background checks completed. The person requesting the temporary employee(s) is responsible for notifying the temporary services contractor of the appropriate requirement(s) and requesting and reviewing the results of the background check. The Human Resource Director and the appropriate Division/Staff Director must be notified of any criminal record.
2. Other non-employees that require systems access will have background checks completed according to the DGS Information System Access Security (ISAS) procedures. For those non-employees that do not need systems access, the Division or Staff Office is responsible for ensuring that a background check is completed. A check can be initiated by requiring the non-employee to complete Section 1 and 1A of form SP-167. Division or staff offices are responsible for having the signature notarized in section 1A and submitting the form to HR to conduct a background check.
3. The guidelines in Section E. 4. below will be used when reviewing background check results for non-employees.

C. OBTAINING INFORMATION ON CURRENT EMPLOYEES

DEPARTMENT OF GENERAL SERVICES

POLICY TITLE: Background Investigations

POLICY NUMBER: HR-8

Revision Number: 5

APPROVED BY: _____,

EFFECTIVE DATE: 4/1/11

PAGE 5 OF 7

DGS Director

1. Employees are required to immediately (by the next work day) notify their supervisor of any criminal conviction.
2. Employees assigned to a position designated by the division/staff director as requiring operation of a vehicle are required to immediately (by the next work day) notify their supervisor of any driving-related conviction or if driving privileges are suspended, revoked, or disqualified. Incumbents will be notified by their division or staff offices of this driving requirement at time of assignment to such a position.
3. Employees who fail to make notifications will be subject to discipline for both failure to follow this policy and for the criminal or driving issue itself.
4. Employees assigned to a position requiring operation of a vehicle are required to enroll in the Department of Motor Vehicle's Driver Alert Program. This program monitors employee driving records and notifies DGS if the employee receives a DUI or reckless driving conviction or if driving privileges are suspended, revoked or disqualified. This will ensure DGS is aware of serious driving violations for employees that are required to drive which could affect their ability to legally and safely fulfill job requirements and help reduce the risk of accidents, injuries and liability for the Commonwealth.
5. In order to determine the continued suitability for employment of current employees the division/staff director may direct criminal history background and/or DMV records checks at any time when there is reason to believe that convictions have occurred and individuals have not notified their supervisors. Employees will be asked to sign release forms at the time the check is initiated. Failure to comply may result in dismissal.

D. BACKGROUND CHECK EXPENDITURES

Fees paid by the agency for checks are billed and paid monthly. As in recruiting advertising costs, fees will be charged to divisions and staff offices by Human Resources based on the organizational placement of the position or employee.

E. DISQUALIFYING RESULTS

1. The appropriate division/staff director in consultation with the Human Resources Director will decide the relevance of collected information and whether or not the hiring, dismissal or other disciplinary action will take place.
2. Any applicant that did not include convictions on his/her application for employment will not be hired since such an omission constitutes falsification of a state document. Exceptions, due to extenuating

DEPARTMENT OF GENERAL SERVICES

POLICY TITLE: Background Investigations

POLICY NUMBER: HR-8

Revision Number: 5

APPROVED BY: _____,

EFFECTIVE DATE: 4/1/11

PAGE 6 OF 7

DGS Director

circumstances, may be granted on a case by case basis with the approval of the HR Director and division or staff director.

3. Current employees who are convicted of a criminal offense shall be subject to appropriate disciplinary action, including dismissal. As required by DHRM Standards of Conduct Policy 1.60, individuals shall be made aware of the reasons for the proposed disciplinary action. Any mitigating circumstances will be considered.
4. No person will be employed or retained for employment if the results of the background check show information which could adversely affect the applicant's ability to perform successfully the specific responsibilities of the position applied for or currently held. Examples include but are not limited to, financial improprieties resulting in convictions for embezzlement, theft, fraud, and grand larceny. Additionally, since safety of employees and DGS customers is a primary concern, convictions for crimes such as rape, murder, assault, battery, illegal drugs, etc., may constitute reasons not to employ, or continue the employment of an individual.

In addition, the following factors will be considered in determining if a conviction record disqualifies the individual for employment or if discipline is appropriate:

- a. The nature and seriousness of the conviction
- b. The number of convictions
- c. How much time has passed since the conviction, and the individual's age at the time of conviction
- d. How the offense relates to the particular functions of the job or the ability, capacity, or fitness required to perform the duties of the job
- e. The degree of public contact in the job
- f. The circumstances of the conviction
- g. The employment history prior to and since the offense
- h. Rehabilitation of the individual
- i. How such conduct would affect the integrity of the workplace
- j. The extent to which the position might offer an opportunity to engage in further criminal activity of the same type as the prior offense

DEPARTMENT OF GENERAL SERVICES

POLICY TITLE: Background Investigations

POLICY NUMBER: HR-8

Revision Number: 5

APPROVED BY: _____,

EFFECTIVE DATE: 4/1/11

PAGE 7 OF 7

DGS Director

5. Driving convictions of employees required to operate a motor vehicle for their job will be reviewed on a case-by-case basis. Examples of driving convictions that may prohibit employment include, but are not limited to, careless and reckless, DUI, or patterns of violations such as multiple speeding violations.
6. If employees dispute the accuracy of the information, it is incumbent upon them to seek a correction through the court system within a time frame established by the division/staff director.

F. CONFIDENTIALITY AND RECORDS RETENTION

1. Information collected as a result of checks will be maintained in a most confidential manner by Human Resources. Access to the information will be restricted to the Agency Director/Assistant Director, Human Resource Director, employees designated by the Human Resources Director and to applicable division/staff directors or their designees.

Documentation regarding employment decisions will indicate that the applicant was eligible or ineligible for employment based on information obtained through a criminal records check.

2. Information about the results of the background check will be released only by the Human Resource Director to the subject of the check. Information will not be released to others who may be acting on the subject's behalf.
3. All background check results will be destroyed according to State Police policy.

X. EFFECTIVE DATE, DISTRIBUTION METHOD, AND EXPIRATION DATE

This policy shall be distributed through special distribution channels. This policy shall be effective April 1, 2011.

XI. ATTACHMENT

Attachment A: Form SP-167 Criminal History Record Request

Attachment B Form CRD-93 DMV Information Request

Attachment C Employee Release for DGS to Obtain Driver Record Information